



~~October 17, 2006 CPC~~
~~January 16, 2007 CPC~~
~~February 28, 2007 BS~~
~~May 15, 2007 CPC~~
August 21, 2007 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0134
(AMENDED)

Second Fortune, LLC

Bermuda Magisterial District
Southeast line of Meadowville Road

REQUEST: (AMENDED) Rezoning from Agricultural (A) to Community Business (C-3) and Corporate Office (O-2) and from Community Business (C-3) to Corporate Office (O-2), plus proffered conditions on an adjacent parcel currently zoned Community Business (C-3).

PROPOSED LAND USE:

Commercial and office uses except as limited by Proffered Condition 4 are planned.

(NOTE: IN ORDER FOR THE COMMISSION TO CONSIDER THIS REQUEST AT THEIR AUGUST PUBLIC HEARING, A \$130.00 DEFERRAL FEE MUST BE PAID.)

RECOMMENDATION

Recommend approval for the following reasons:

- A. The proposed zoning and land uses generally conform to the Consolidated Eastern Area Plan.
- B. The proposed zoning and land uses are representative of, and compatible with, anticipated area development.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS.)

PROFFERED CONDITIONS

1. Timbering Restriction. With the exception of timbering to remove dead or diseased trees which has been approved by the Virginia State Division of Forestry, there shall be no timbering until a Land Disturbance Permit has been obtained from the Environmental Engineering Department. (EE)
2. Public Utilities. The public water and wastewater systems shall be used. (U)
3. Transportation
 - a) Right-of-Way Dedication.
 - i) Prior to any site plan approval, forty-five (45) feet of right-of-way, measured from the centerline of that part of Meadowville Road directly adjacent to the Property, or the proposed right-of-way shown on the approved plans for VDOT Project 0010-020-127, C-501, RW-201 directly adjacent to the property, whichever is greater, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
 - ii) Prior to final site plan approval, one-hundred (100) feet of right-of-way, measured from the centerline of that part of East Hundred Road (State Route 10) adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
 - b) Transportation Improvements. To provide for an adequate roadway system at the time of complete development, the Developer shall be responsible for the:
 - i) Construction of an additional lane of pavement along Route 10 for the entire property frontage;
 - ii) Construction of additional pavement along Route 10 to provide a separate right turn lane at the approved access, based on Transportation Department Standards;
 - iii) Construction of additional pavement to provide Meadowville Road, based on Transportation Department standards; right and left turn lanes at the approved access on
 - iv) Closing of existing crossovers on Route 10 between Meadowville Road and Rivers Bend Boulevard;
 - v) Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is

unable to acquire any “off-site” right-of-way that is necessary for any improvement described in Proffered Condition 3.b., the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the “off-site” right-of-way, the developer shall be relieved of the obligation to acquire the “off-site” right-of-way and shall provide the road improvements within the available right-of-way, as determined by the Transportation Department. In this event, road improvements may differ from those identified above because of the limited right-of-way. (T)

- c) Access Control. Direct vehicular access from the Property to Route 10 and Meadowville Road shall be limited to one (1) entrance/exit on each roadway. The exact location of these accesses shall be approved by the Transportation Department. Prior to any site plan approval, access easements, acceptable to the Transportation Department, shall be recorded across the Property to provide shared use of these accesses with adjacent properties. (T)
 - d) Phasing of Improvements. Prior to any site plan approval, a phasing plan for the improvements identified in Proffered Condition 3 shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require that, among other things, the improvements identified in Proffered Condition 3.b.i. and 3.b.iv., be completed prior to completion of the approved entrance exit on Route 10, and that the improvement identified in 3.b.iii., be completed prior to completion of the approved entrance/exit on Meadowville Road. (T)
4. The permitted land uses in the Community Business (C-3) District shall be limited to the following:
- a. Any permitted or restricted use in the Neighborhood Business (C-2) District;
 - b. Contractors’ Offices and Display Rooms;
 - c. Hotels;
 - d. Restaurants, to include carry-out and fast food restaurants. (P)

GENERAL INFORMATION

Location:

Southeast line of Meadowville Road, north of West Hundred Road. Also north line of East Hundred Road, east of Meadowville Road. Tax IDs 814-652-5387 and 814-653-4407,

5807, 6613, 7317 and 7920. Tax IDs 814-653-7317, 7920, and Parts of 4407, 5807 and 6613 (Sheet 27).

Existing Zoning:

A and C-3

Size:

4.1 acres

Existing Land Use:

Single family residential or vacant

Adjacent Zoning and Land Use:

North - A; Single-family residential
South - C-2 and C-3; Single-family residential or vacant
East - A and C-3; Single-family residential or vacant
West - A and C-2; Single-family residential or vacant

UTILITIES

Public Water System:

There is an existing twelve (12) inch water line extending along the north side of East Hundred Road, adjacent to a portion of this site. In addition, a twenty (20) inch water line extends along the west side of Rivers Bend Boulevard approximately 650 feet northeast of the request site. Use of public water is intended. (Proffered Condition 2)

Public Wastewater System:

There is a twelve (12) inch wastewater trunk line that extends across East Hundred Road and continues along the west side of Rivers Bend Boulevard approximately 600 feet east of this site. Off-site easements will be required to extend the public wastewater system to the request site. Use of the public wastewater system is intended. (Proffered Condition 2)

ENVIRONMENTAL

Drainage and Erosion:

The subject property drains to the south through some adjacent parcels and then under Route 10 to Johnson's Creek. There are currently no on- or off-site drainage or erosion problems and none are anticipated after development.

The property is heavily wooded and should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering (Proffered Condition 1). This will ensure adequate erosion control measures are in place prior to any land disturbance.

It should be noted that the area is relatively flat and, as such, it is anticipated that acquisition of off-site easements may be required. It is also anticipated that on site detention/retention for water quantity will be required, as most of the properties that are on the north side of Route 10 and drain under Route 10 have found that the existing culverts are inadequate and that it is too expensive to enlarge the structures.

PUBLIC FACILITIES

Fire Service:

The Rivers Bend Fire Station, Company Number 18, currently provides fire protection and emergency medical service (EMS). This request will have a minimal impact on fire and EMS.

Transportation:

The property is located on the south side of Meadowville Road just north of East Hundred Road (Route 10). The applicant is requesting rezoning of the property from Agricultural (A) to Community Business (C-3).

This request will not limit development to a specific land use; therefore, it is difficult to anticipate traffic generation. Based on trip rates for a shopping center, development could generate approximately 3,700 average daily trips. Traffic generated by this development will be distributed along Route 10, which had a 2005 traffic volume of 39,617 vehicles per day between Interstate 295 and Meadowville Road. Based on the volume of traffic it carried during peak hours, Route 10 in this area was functioning at an acceptable level. (Level of Service C)

The Thoroughfare Plan identifies Route 10 and Meadowville Road as major arterials with recommended right-of-way widths of 120 to 200 and ninety (90) feet, respectively. Construction plans have been approved for widening Route 10 and Meadowville Road in this area (VDOT project 0010-020-127, C501, RW-201). The applicant has proffered to dedicate right-of-way in accordance with both the Thoroughfare Plan and the approved construction plans. (Proffered Condition 3.a)

Development must adhere to the Development Standards Manual in the Zoning Ordinance relative to access and internal circulation. Access to major arterials, such as Meadowville Road and Route 10, should be controlled. The applicant has proffered to limit access from the property to one (1) entrance/exit on both of these roadways and dedicate easements to provide shared use of these accesses with adjacent properties. (Proffered Condition 3.c)

The traffic impact of this development must be addressed. The applicant has proffered to: 1) construct an additional lane of pavement along Route 10, 2) construct a separate right turn lane at the approved access on Route 10, 3) construct right and left turn lanes at the approved access on Meadowville Road, 3) close the two (2) existing substandard crossovers on Route 10 between Meadowville Road and Rivers Bend Boulevard, and 4) dedicate any additional right-of-way required for these improvements (Proffered Condition 3.b). Proffered Condition 3.d allows these improvements to be phased with development on the property; however, it also requires construction of the improvements along Route 10 and Meadowville Road when access is provided to each roadway, respectively.

During site plan review, specific recommendations will be made regarding access and internal circulation.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Consolidated Eastern Area Plan which suggests the property is appropriate for neighborhood mixed use, such as professional and administrative offices, along with residential development of varying densities. Supporting neighborhood-scale retail and service uses may also be appropriate provided such uses are incorporated into a mixed use development containing office and residential uses.

The Plan also supports deviation from the neighborhood mixed use designation where there are opportunities to bring already commercially zoned parcels into closer compliance with the Plan and measures are employed to address land use transitions to existing and future residential land uses.

Area Development Trends:

This area of the Route 10 Corridor is characterized by commercial zoning. While the Plan strives to encourage development of less intense uses along the corridor, with commercial uses suggested as appropriate at the intersection of major east/west and north/south arterials, a substantial amount of commercial zoning already exists. As previously noted, the Plan recognizes the existence of commercial zoning and therefore supports more intense uses than office if measures are employed to address transitions and limit intensity of commercial development.

Development Standards:

Currently, the property lies within an Emerging Growth Area and within the Route 10 Corridor East Highway Corridor District Area. The Zoning Ordinance specifically addresses access, landscaping, setbacks, parking, signs, buffers, utilities and screening for developments within these areas. The purpose of these standards is to promote high quality, well-designed projects.

CONCLUSION

The proposed zoning and land uses generally conform to the Consolidated Eastern Area Plan which suggests that supporting, neighborhood-scale retail and service uses if incorporated into a mixed use development incorporating office and residential uses, are appropriate. The Plan strives to minimize strip commercial development by encouraging transitional uses along the corridor between suggested commercial nodes located at the intersection of north/south and east/west arterials. The Plan does, however, recognize existence of commercial zoning that does not comply with the Plan and suggests that it may be appropriate to allow a greater depth of commercial zoning if transitional uses, design standards and use restrictions are addressed. The applicant has included the adjacent C-3 property in this request for the purpose of limiting commercial uses. The office zoning along Meadowville Road addresses land use transitions.

Given these considerations approval of this request is recommended.

CASE HISTORY

Planning Commission Meeting (10/17/06):

At the request of the applicant, the Commission deferred this case to January 16, 2007.

Staff (10/18/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than November 13, 2006, for consideration at the Commission's January 16, 2007, public hearing.

Also, the applicant was advised that a \$130.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (12/4/06):

The application was amended.

Applicant (12/14/06):

The deferral fee was paid.

Applicant (12/22/06, 1/5/07 and 1/8/07):

Revised proffered conditions were submitted.

Planning Commission Meeting (1/16/07):

The applicant accepted the recommendation. There was no opposition present.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission recommended approval and acceptance of the proffered conditions on pages 2 through 4.

AYES: Messrs. Gecker, Gulley, Bass, Litton and Wilson.

Board of Supervisor's Meeting (2/28/07):

At the request of the applicant, the Board remanded this case to the Planning Commission to allow amendment of the application to include additional property.

Staff (3/1/07):

The applicant was advised in writing that the case would be scheduled for public hearing before the Planning Commission on May 15, 2007, and that any new or revised information should be submitted no later than March 12, 2007, for consideration at the May 15, 2007, public hearing.

Staff (4/25/07):

To date, no additional new information has been received.

Planning Commission Meeting (5/15/07):

At the request of the applicant, the Commission deferred this case to August 21, 2007.

Staff (5/16/07)

The applicant was advised in writing that any significant new or revised information should be submitted no later than June 18, 2007, for consideration at the Commission's August 21, 2007, public hearing. Also, the applicant was advised that a \$130.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (7/19/07):

To date, the applicant has not paid the \$130.00 deferral fee, nor has any new information been submitted.

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07SN0134 (AMENDED)

Rez: A TO C-3

A & C-3 TO O-2

PROFFERED CONDITIONS



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